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SUBJECT: COLOMBIA'S SIXTH ANNUAL ANTI-TRAFFICKING IN
PERSONS (TIP) REPORT

REF: SECSTATE 3836

This report is sensitive but unclassified. Please handle
accordingly.

11. (U) Embassy point of contact on trafficking in persons is human rights officer Laura Kirkpatrick, phone number (57-1) 383-2168, fax number (57-1) 315-2163. Officer spent 50 hours preparing report.

12. (U) Responses below are to questions in paragraphs 21-24 of reftel. Please note that answers to questions in paragraphs 21.A., 23.E., and 23.I. are pending submission of information from the GOC.

Overview

21.A. (SBU) Colombia is a significant source of trafficking victims, primarily women and children destined for sexual exploitation. Some Colombian men are trafficked for forced labor. Post has received some unconfirmed reports that Colombia is also a transit country for victims from other Andean countries. Exact numbers for each demographic group that was trafficked were requested but were not available at time of transmittal. Colombian victims are recruited primarily through offers of employment, study, or marriage. These offers are made through personal contact and advertisements in the press. Post has received reports that members of criminal organizations who owe a debt to their organization will occasionally offer to introduce traffickers to family members to facilitate recruitment, and receive debt relief in compensation. Colombian victims are trafficked to Aruba, China (Hong Kong), Chile, Costa Rica, Curacao, Ecuador, El Salvador, Italy, Jamaica, Japan, Jordan, Mexico,

The Netherlands, Panama, Spain, the United States, and Venezuela. Victims are principally trafficked for the purposes of sexual exploitation, forced labor, and forced servitude (land or debt peonage, servile marriage). Trafficking occurs within Colombia's borders, and some NGOs report that it also occurs in areas of Colombia where there is not sufficient law enforcement control over illegal armed groups.

Colombia's Administrative Department of Security (DAS), which has responsibilities similar to the FBI and ICE, estimates that, based on immigration and return-via-deportation statistics, roughly 45,000-50,000 Colombian women work as prostitutes overseas and some unknown percentage of those were trafficking victims. According to the DAS, Colombia is the third most common country of origin of trafficking victims in the Western Hemisphere, and every day between 2 and 10 Colombian women leaving the country are victims of trafficking. Information about trafficking in persons can be obtained from the Prosecutor General's Office (Fiscalia), DAS, the Ministry of Interior and Justice (MININT), or the Supreme Council of the Judiciary (Consejo Superior de la Judicatura, or CSJ). None of these sources are very reliable because (a) they do not coordinate tracking of cases -- for example an arrest made by the DAS which is considered to have been for the crime of trafficking may be later reclassified by the Fiscalia to have only been for organized crime because trafficking cannot be proven; and (b) the Government of Colombia relies heavily on international organizations and NGOs to initiate contact with victims, who may never report their case of trafficking as a crime. The GOC Interinstitutional Committee for the Fight against

BOGOTA 00001967 002 OF 008

Trafficking in Persons (ICFTP), established informally in 2003 and formally in 2005, has designed a database to track and monitor statistics on trafficking in persons cases. The database is expected to be actively used in 2006. Groups more at risk of being trafficked were displaced people, women in rural areas who don't have access to mass media, and people whose relatives were members of criminal organizations.

21.B. (SBU) Colombia is committed to fighting trafficking in persons, and has established a comprehensive interagency program to coordinate this fight with international and nongovernmental organizations. In 2005, Colombia passed Law 985, which criminalized the act of transporting a person with the goal of exploitation, regardless of whether the victim had initially given consent to travel for a certain purpose. The law also adopted measures for prevention, protection and assistance to victims or potential victims; formally established the ICFTP; increased sentences for those convicted to between 13 and 23 years in prison and fines between 800 to 1,500 times the minimum salary; proposed a national strategy against trafficking in persons; strengthened units involved in investigating and prosecuting trafficking crimes; set up a national system of information on trafficking; and appropriated funds to combat trafficking.

The ongoing internal armed conflict in Colombia has an impact on trafficking because it creates displacement of populations, making them more vulnerable. Also, internal armed actors and criminal gangs are responsible for trafficking in arms, drugs, and people. While exact numbers are not known, it is suspected that people in the country who were displaced as a result of the conflict are the most likely victims of trafficking. According to UNHCHR, 74 percent of the displaced are women and children, who represent the majority of trafficking victims in Colombia. While the government began to develop and action plan for the protection of victims, the guide had not been put into practice as of reporting date. The IOM estimates that approximately 60 percent of trafficking is within the country.

21.C. (SBU) The Government is hampered in its fight against trafficking by limited resources. As a result, it relies

heavily on NGOs and international organizations in the fight against trafficking. Some NGOs reported that corruption of insubordinate government officials was a problem -- for example, in some places it is not difficult to fraudulently obtain authentic documents to conceal a victim's identity for purpose of travel -- but none saw that corruption related to trafficking was endemic in government institutions. The Government gives limited assistance to victims through shelters, the Ministry of Interior and Justice, the Family Welfare Institute and the Ministry of Social Protection, but it does not have enough money to provide protection to victims that would induce a higher number of them to press charges against their oppressors.

21.D. (SBU) The Government has six entities that work to combat trafficking and monitor prosecution, prevention and victim protection: the Ministry of Interior and Justice (MININT) which presides over the ICFTP; the Administrative Department of Security (DAS), which houses the offices that monitor migration and coordinate with INTERPOL; the Unit to Combat Trafficking in Persons, Sexual Violence and Child Victims in the Prosecutor General's Office (Fiscalia); the Grupo Humanitas inside the Judicial Police section of the Colombian National Police; the Family Welfare Institute (ICBF); and the Ministry of Foreign Affairs (MFA). Each group maintains its own statistics. Some offices (DAS,

BOGOTA 00001967 003 OF 008

MININT and Humanitas) have produced reports in the past on their work to combat trafficking. It is expected that the ICFTP will harmonize GOC policy to combat trafficking and make its findings on trends in trafficking known to the public as soon as data collection is regularized and the results studied.

PREVENTION

22.A. (SBU) The GOC acknowledges that trafficking is a problem in Colombia.

22.B. Fourteen agencies are members of the ICFTP: MININT, MFA, Ministry of Social Protection (MSP), Ministry of Education, DAS, CNP, Office of the Prosecutor General, the Office of the Inspector General (Procuraduria), the Office of the Human Rights Ombudsman (Defensoria), Interpol, ICBF, the Presidential Advisor for Equality of Women, The Department of Defense organization FONDELIBERTAD, and the Special Administrative Unit for Information and Financial Analysis. The MININT presides over the ICFTP.

22.C. (SBU) In 2005, the Ministry of Communication ran a public information campaign through short TV announcements explaining trafficking, with a toll-free number of an IOM call center for inquiries. The Ministry of Communication also developed a campaign to promote the "healthy" use of the internet by children and to detect and prevent recruitment of children by traffickers over the internet. The IOM, the UN Office on Drugs and Crime (UNODC) and several NGOs conducted informational campaigns to target potential victims and raise awareness. For example, one campaign put posters in bus stations and transportation corridors to remind drivers of the need to avoid giving money to children who are being exploited to beg on the streets.

22.D. (SBU) The Vice President's Program on Women has a microenterprise lending program to help women heads of households maintain a stable income, and the MSP works with UNICEF and the International Labor Organization to prevent child labor in the country. It is estimated that 2.5 million children under 18 are working in Colombia, and that only 20 percent of those are working legally in conditions approved by the Government.

(NOTE: There is no question 22.E. in reftel. End note.)

22.F. (SBU) The GOC maintains an open dialogue with non-governmental organizations, relevant organizations and elements of civil society on trafficking. The IOM and UNODC are observers on the ICFTP and actively participate in policy dialogue.

22.G. (SBU) The IOM has trained Colombian passport officials, and immigration officials from Colombia and foreign embassies, in ways to detect patterns of trafficking. Since Colombia is primarily a source or transit country, officials are more sensitized in detecting potential victims who are departing rather than arriving. The NGO The Hope Foundation (Fundacion Esperanza) in particular has aggressively targeted airport officials and related travel companies to raise sensitivity about trafficking victims.

22.H. (SBU) The mechanism for GOC coordination is the ICFTP. The MININT presides over the ICFTP. The GOC does not have a public corruption task force, but there are internal affairs

BOGOTA 00001967 004 OF 008

offices within the Fiscalia and the Police, and the Defensoria has the authority to conduct disciplinary investigations in every government entity.

22.J. (SBU) Law 985 established the responsibility of the ICFTP to create a national action plan to address trafficking in persons. The fourteen member agencies of the ICFTP (see para. 22.B) will develop the plan with participation of civil society and NGOs. The Plan has not yet been finalized.

INVESTIGATION AND PROSECUTION OF TRAFFICKERS

23.A. (SBU) Law 985, which was passed on August 26, 2005, is entitled "For which measures are adopted against trafficking in persons and norms for the attention and protections of victims of the same," and prohibits trafficking for any economic or other benefit, such as sexual exploitation, prostitution, work or other forced services, slavery or practices analogous to slavery, forced servitude, exploitation through mendicancy, servile marriage, the extraction of organs, sexual tourism or any other form of exploitation. The law prohibits internal and transnational trafficking. The law covers the full scope of trafficking crimes and is being implemented. Other laws that are still in effect to punish trafficking in persons include:

-- Law 599 of 2000, which made penalties for trafficking for purposes of prostitution equivalent to those for rape and sexual assault, carrying penalties of 6 to 8 years in prison and fines of up to 100 times the monthly minimum wage.

-- Law 747 of July 2002 which broadened the definition of trafficking in persons and provided for prison sentences between 10 and 15 years and fines up to 1,000 times the monthly minimum wage. According to this law, forcing someone into prostitution is punishable by 5 to 9 years in prison and a fine of up to 500 times the monthly minimum wage. These penalties can be increased up to one-half if the victim is under 14 years of age, if the criminal plans to take the victim out of the country, or if the criminal is a family member. Penalties are also increased if the victim is under 18 years of age. Child pornography in any form is also criminalized with punishments of up to 10 years in prison and a fine of up to 1,000 times the monthly minimum salary. These penalties are increased by half if the minor is 12 years or younger.

-- Law 890 of 2004, which entered into force on January 1, 2005, further increased these penalties to 13 to 23 years in prison and fines of up to 1,500 times the monthly minimum wage. These penalties can be increased by up to one-third if there are aggravated circumstances, such as if the crime is

committed against a minor (less than 18 years of age), the victim is mentally challenged, or the trafficker is a family member or public servant. If the victim is under 12 years of age, the penalty is increased by half. Additional charges of illegal detention, violation of the right to work in dignified conditions, and violation of personal freedom also may be brought against traffickers.

-- The Colombian Penal Code of 2000, article 219, which prohibits organizing or facilitating sexual tourism and provides penalties of three to eight years' imprisonment.

23.B. (SBU) Penalties against traffickers are described in paragraph 23.A.

BOGOTA 00001967 005 OF 008

23.C. (SBU) In 2000, Law 599 (see para. 23.A) made the punishments for trafficking for purposes of prostitution equivalent to those for rape and sexual assault.

23.D. (SBU) Prostitution by adults is not considered a crime in Colombia, although the activities of pimps and other enforcers are criminalized. The legal minimum age for prostitution is 18 years. Prostitution is permitted in so-called "tolerance zones" in various cities. In these areas, the Institute of Urban Development monitors establishments of prostitution. The operation of prostitution establishments is monitored and operating without a license is severely punished. In 2005, there were two high-profile busts of establishments operating without licenses in well-known tolerance zones in Bogota.

23.E. (SBU) Information regarding investigations, prosecutions, convictions, sentences and time served by convicted traffickers was requested but was not available at time of transmittal.

23.F. (SBU) The IOM and Colombian NGOs estimate that international organized crime networks are responsible for the bulk of transnational trafficking. Other cases, such as for servile marriage, have been traced to internet dating services and family exploitation. Domestically, organized crime networks -- some related to foreign terrorist organizations (FTOs) -- are also responsible for trafficking for sexual exploitation or organized begging. UNICEF and the Defensoria estimate between 6 and 11 thousand children have been forcibly recruited into illegal armed groups, while UNICEF and NGOs have estimated between 20 and 35 thousand children are victims of sexual exploitation by family members or pimps, some percentage of which are victims of trafficking. Many displaced people are trafficked for labor exploitation by local criminal gangs when they arrive in their new destinations. The Hope Foundation estimates agencies for employment, travel, and tourism are often either knowingly or innocently facilitating trafficking in persons. Insubordinate government officials are suspected to be involved in trafficking, especially in providing fraudulent travel documents. It is suspected that the profits from trafficking either go to private individuals or to criminal networks, some of which are run by FTOs. On January 18, 2006, the police used asset forfeiture laws to seize assets valued at \$1,300 (CPS 3 million) from a trafficker who had been arrested in 2004.

23.G. (SBU) The government actively investigates trafficking cases. When information is passed regarding a possible case of trafficking in persons, it is analyzed according to protocols of investigation under the direction and coordination of the Prosecutor General's Office. The National Police and DAS/Interpol, which has an eight-person unit dedicated to investigating trafficking in persons crimes, take the lead in such investigations.

23.H. (SBU) The MFA and ICBF provide specialized training to MFA officials working overseas to help them recognize

potential victims of trafficking and prepare a criminal report for authorities in Colombia. The training does not include special sensitivity for child victims. The GOC worked with the U.K. Embassy and the Fiscalia to set up a series of mock trials to train judges and prosecutors on how to prosecute trafficking crimes. By the end of the series, judges and prosecutors believed they were well prepared to prosecute the cases, but more officials need to receive the

BOGOTA 00001967 006 OF 008

training.

23.I. (SBU) The GOC cooperates with other governments in the investigation and prosecution of trafficking in persons. The GOC cooperates with host country governments where it has embassies and when victims of trafficking are identified and request repatriation. Fiscalia and DAS/INTERPOL offices work with counterparts in other countries to conduct investigations. Information regarding which countries the Fiscalia and DAS worked with was requested but not available at time of transmittal.

23.J. (SBU) The GOC can extradite persons charged with trafficking in other countries. The GOC can extradite its own nationals. However, there were no such extraditions for persons charged with trafficking in the period March 2005-February 2006, and no requests for such extraditions, according to the Ministry of Foreign Affairs.

23.K. (SBU) See paragraph 21.C.

23.L. (SBU) Government officials neither facilitate nor condone trafficking in any official capacity. The GOC investigates all cases of corruption that are brought to its attention. Neither the DAS nor the Prosecutor General's Office has received any information about the involvement, or possible involvement, of government officials in trafficking in persons. No government officials have been prosecuted for involvement in trafficking or trafficking-related corruption.

23.M. (SBU) The Colombian Penal Code of 2000 prohibits organizing or facilitating sexual tourism and provides penalties of three to eight years' imprisonment. The Penal Code does not have extraterritorial coverage. The Penal Code does not differentiate between sexual tourism for the purpose of relations with children or adults. During the reporting period, the Government did not prosecute or deport/extradite any foreign pedophiles.

23.N. (SBU) Colombia has ratified the following international instruments:

-- The ILO Convention 182 on the Worst Forms of Child Labor, on January 15, 2005;

-- ILO Convention Number 29, in 1969;

-- ILO Convention 105, in 1963;

-- The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, in November 2003; and

-- The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, in August 2004.

PROTECTION AND ASSISTANCE TO VICTIMS

24.A. (SBU) Since Colombia is primarily a source and transit country, there is no demand for provision of temporary or permanent residency status or relief from deportation.

Colombia does not have specially-designated victim care or victim health care facilities.

BOGOTA 00001967 007 OF 008

24.B. (SBU) The GOC provides limited funds to NGOs to provide food, shelter and clothing to victims under 18, in a few cities. The GOC also maintains a close relationship with the IOM and NGOs like The Hope Foundation and provides them information on cases related to victims or potential victims of trafficking in persons domestically and abroad.

24.C. (SBU) Colombia is not a destination country. There have been no reported cases of referral of the transfer of victims who have been detained, arrested or placed in protective custody by law enforcement authorities to NGOs that provide short- or long-term care. Overseas, Colombian consulates worldwide are supposed to provide legal and social assistance to Colombian citizens in need, including victims of trafficking. The GOC has contracted legal advisors and social workers to help support Colombians abroad. However, this type of assistance can only be provided in consular districts with at least 10,000 resident Colombians. The assistance of the Ministry of Foreign Affairs and/or the Embassy begins the moment information is provided by a family member or friend in Colombia or the victim gets in touch with the Embassy. The Embassy then coordinates with host government authorities to provide immediate protection.

24.D. (SBU) Colombia is not a destination country. There have been no reported cases the rights of internal trafficking victims being denied.

24.E. (SBU) The GOC encourages victims to assist in the investigation and prosecution of trafficking. The DAS, for example, set up a special interview room in Bogota's El Dorado Airport for returning victims so that they could be fully debriefed and counseled on their rights, and on how to press charges. The right of victims to seek civil action against their traffickers is not impeded. However, many victims, fearing for their own safety or that of their families, are often reluctant to come forward. Colombia does not have a victim restitution program, though the MININT and NGOs have programs to help victims reintegrate into society.

24.F. (SBU) The government provides protection to victims and witnesses through the Fiscalia. The program is activated when (a) a victim or witness files charges (i.e., they submit a "denuncia" to a competent legal authority) against an alleged trafficker, and/or (b) after an investigation, the denuncia is found to have enough merit to warrant the Fiscalia bringing penal charges against the alleged trafficker. The program includes provision of secure housing and an economic stipend for the victim or witness. As agreement for participation in the program, the victim or witness must agree not to leave the housing where they have been placed. No victims or witnesses have participated in the program. The GOC does not provide shelter to trafficking victims, though it does help victims find housing. Other services are described in paragraph 24.H. and 24.I. below.

24.G. (SBU) Please see paragraphs 23.H. and 24.C.

24.H. (SBU) In both domestic and international cases, MININT is responsible for providing safe passage for victims to return to their homes, lodging if it is needed, medical and psychological attention, access to financial and employment assistance, and information and legal support for the entire judicial process. The ICBF provides legal, medical and psychological services for child victims in Colombia, the majority of whom are trafficked internally. MININT maintains a close relationship with The Hope Foundation and The Rebirth

BOGOTA 00001967 008 OF 008

Foundation because victims often prefer to approach a private organization rather than a government office. MININT is currently working on an agreement with the Hotel Association CotelCo and DAS to allow recently found victims to receive initial shelter in participating hotels. MININT is also working with Colombia's Office of Drug Control Police, the DNE (the National Drug Control Administration, or Direccion Nacional de Estupefacientes) to set up secure, anonymous shelters for trafficked victims.

24.I. (SBU) The principal organizations that work with victims of trafficking are the IOM, The Hope Foundation, and The Rebirth Foundation. The level of cooperation received by the organizations from the GOC is very good. The IOM and the Hope Foundation have provided short-term assistance to trafficking victims, including educational information, social support, and counseling. The IOM also provided victims with job training and employment opportunities through programs in 13 departments, and helped victims obtain medical and psychological care. The Rebirth Foundation continues its work to contribute to the eradication of the sexual exploitation of children and adolescents. Its current activities include outreach work through the targeting of areas where children in prostitution are known to be found, funding a day center which offers education, health care and activity-based workshops in a variety of areas, and 3 long-term shelters which help to adapt children from street life to the routines of living in a house with others and encourages social integration and friendship. Vocational skills, educational training, and therapy are also provided.

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